



# California Fair Political Practices Commission

May 9, 1989

Honorable Terence J. Keeley  
Judge of the Superior Court  
County of Sutter  
Courthouse  
Yuba City, California 95991

Re: Your Request for Informal Assistance  
Our File No. I-89-090

Dear Judge Keeley:

You have requested advice regarding the financial disclosure obligations of grand jurors. In 1987, the Commission concluded that the Political Reform Act requires conflict of interest codes to be adopted in each county setting out the financial disclosure obligations of grand jurors. A copy of the letter sent out by the Commission describing their determination is enclosed. The extent of financial disclosure to be made by grand jurors is to be determined at the local level. The board of supervisors in each county is the code reviewing body.

Grand jurors are required to disclose their economic interests on Form 730, Statement of Economic Interests. A copy of this form and an instruction manual are enclosed.

If you have any further questions, please contact me at (916) 322-5901.

Sincerely

Kathryn E. Donovan  
General Counsel

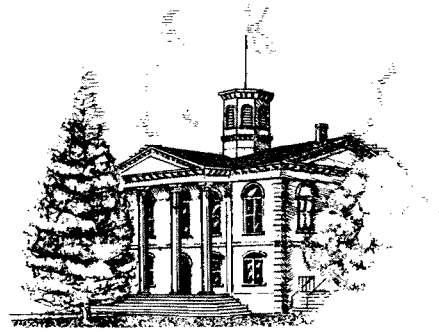
A handwritten signature in dark ink, appearing to read "John G. McLean", is written over the typed name.

By: John G. McLean  
Counsel, Legal Division

Enclosures

FPPC  
TERENCE J. KEELEY FEB 7 8 39 AM '89  
JUDGE OF THE SUPERIOR COURT  
COUNTY OF SUTTER  
COURTHOUSE  
YUBA CITY, CALIFORNIA 95991  
PHONE 916-741-7360

February 6, 1989



Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95814

Re: Grand Juries

Ladies and Gentlemen:

I am enclosing herewith a copy of an article that appeared in the Journal put out by the State Bar of California.

This article references a FPPC ruling that grand jurors are required to reveal property holdings and business interests involving the county. My inquiry of you is whether or not such a ruling has in fact issued, and if so, is there a particular form that has been prepared for grand jurors to complete? If yes, I would appreciate receiving a copy of that form.

Thank you for your courtesy and cooperation.

Very truly yours,

  
Terence J. Keeley

TJK/pnp

cc: Lonna B. Smith

# Not So Grand Juries

*Grand jurors must tell all about their finances*

LOS ANGELES—Service on a county grand jury, which used to be a plum sought by the high and mighty, has become a thankless task in recent years. Now the state Fair Political Practices Commission has made the job even less appealing.

For the privilege of devoting long hours at almost no pay to making recommendations on governmental improvements that are rarely heeded, the FPPC says, grand jurors must disclose their own financial affairs.

This latest development is one more step in the slow decline of grand juries, which began a decade ago with the state Supreme Court's ruling that a defendant has a right to a preliminary hearing even after a grand jury indictment. *Hawkins v Superior Court* (1978) 22 C3d 584. Prosecutors have considered the indictment process mostly superfluous since *Hawkins*, and the workload of grand juries statewide has shifted from 90 percent criminal investigations to 90 percent government agency audits.

The civil side of grand jury work is not only less glamorous than investigating and indicting notorious criminals. It is also more tedious and may require special expertise. The FPPC's ruling that grand jurors are required to reveal property holdings and business interests involving the county does not help matters.

Superior court judges, who are responsible for recruiting grand jurors in most California counties, predict the new rule will make their job even more difficult as well. "I think it will discourage some people," says Richard P. Byrne, presiding judge of the Los Angeles Superior Court. "If I were a private businessperson and had extensive holdings, I think I would be reluctant to serve."

Even without the ruling, qualified jurors have not always been available. Case law requires that juries in criminal cases represent a cross-section of the community, which is sometimes difficult to achieve. Compensation of \$25 a day or less tends to limit the pool of candidates to retired or affluent citizens. "We have an all-white grand jury dealing with problems related to ethnic minorities," says San Diego Superior Court Presiding Judge Michael



*Judge Michael Greer says grand jury pool is slipping.*

Greer.

Increasingly, counties are relying on grand juror recruitment drives. San Diego's current grand jury even requested a one-month delay in the nomination of next year's panel to allow more recruiting time. Although the San Diego rules were changed to permit nominations by both municipal and superior court judges, Greer says the usual pool of 140 nominees slipped to below 80 last year.

An aggressive recruitment campaign in Los Angeles has actually increased the pool of prospects by 14 percent, says Juanita Blankenship, director of jury management for the county.

Nevertheless, the guidelines Los Angeles judges use when interviewing and ranking prospective grand jurors call for jurors with backgrounds in such fields as accounting and communications.

"Obviously not everyone in the community is equipped to do audits," says Blankenship. "I feel that there has not been a resolution of just what the grand jury is supposed to do."

Gerald Uelman, dean of Santa Clara University School of Law, doesn't agree that grand jurors must have special skills. "The jurors themselves don't have to be experts," he says. "The expertise should be available from consultants. I would hate to see grand juries turned into Little Hoover Commissions. They would end up with the

same kind of axes to grind that experts have."

Uelman says the process of having judges nominate potential grand jurors is part of the problem. "When you have each judge making nominations, you end up with people who know judges," he says. "People who know judges are a far cry from a cross-section of the community."

So far, San Francisco County has avoided the pitfalls of having judges nominate grand jurors by drafting its civil grand jury from petite jury rolls. But the solution has led to another problem: Many jurors serve grudgingly and participate minimally. San Francisco judges are now considering nominating volunteers for the civil grand jury and beginning a volunteer recruitment program.

In Sacramento, where it sometimes seems that everyone is politically involved, the grand jury is far from apathetic, says Sacramento County Superior Court Presiding Judge Cecily Bond. Politically aware citizens rarely suffer silently. Three years ago, for example, the grand jury in Sacramento formed a "frustration subcommittee" to identify and publicize the problems of serving on the jury.

Many former grand jurors say they enjoyed their government watchdog role but were frustrated by the slow response to their recommendations. County agencies have 90 days to respond to grand jury reports, which usually are issued as the jury's term expires. Thus, by the time an agency reacts to a report, a new grand jury with a new agenda has been sworn in. "They write their reports, they're played in the newspaper and they're filed," says Greer. "It is difficult to sustain interest in what they were doing."

"In many cases people selected for the grand jury don't know what they're getting into," says Manuel Gallegos, foreman of the 1987-88 Los Angeles Grand Jury. To prepare their successors, Gallegos and his colleagues conducted a four-day orientation. "After that," he says, "some of them resigned."

The tedious and unrewarding work has left former grand jurors disheartened at the process, and has made life more difficult for judges in counties where judges appoint grand jury members.

"My reservoir has dried up," says Los Angeles Superior Court Judge Robert I. Weil. "Nobody wants to be on the grand jury now. Grand juries are nothing more than a vestigial remnant of the dodo bird."

—B.J. PALERMO



# California Fair Political Practices Commission

February 10, 1989

The Honorable Terrence J. Keeley  
Judge of the Superior Court  
County of Sutter  
Courthouse  
Yuba City, CA 95991

Re: Letter No. 89-090

Dear Judge Keeley:

Your letter requesting advice under the Political Reform Act was received on February 7, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329.)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths  
General Counsel

DMG:ld

cc: Lonna B. Smith